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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,668	09/10/2003	Dong Gyu Kim	YPL-0065	3743

7590 02/06/2004
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002

EXAMINER

BOYER, CHARLES I

ART UNIT PAPER NUMBER

1751

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary

Application No.

10/659,668

Applicant(s)

KIM ET AL.

Examiner

Charles I Boyer

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/31/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by

Kishimoto, US 5,424,041.

Kishimoto teaches deodorizing compounds, an example of which is the quaternary ammonium salt of a transition metal phthalocyanine (col. 4, lines 27-32). With respect to the ultimate intended use, it is well established that the mere recital of a different intended use in a claim does not distinguish the claim over a composition containing the same ingredients in the same proportions for a different purpose in the prior art. See *In re Zierden*, 162 USPQ 102 (CCPA 1969). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

2. Claims 1, 2, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by

Marr, US 5,725,649.

Marr teaches pigment compositions comprising an ionic complex formed from a quaternary amine and copper phthalocyanine sulphonic acid (see abstract). With respect to the ultimate intended use, it is well established that the mere recital of a different intended use in a claim does not distinguish the claim over a composition containing the same ingredients in the same proportions for a different purpose in the prior art. See *In re Zierden*, 162 USPQ 102 (CCPA

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1969). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Frame et al, US 5,180,484.

Frame et al teach a process for sweetening a hydrocarbon fraction using a mixture of a quaternary ammonium compound and cobalt phthalocyanine (col. 8, example 1). With respect to the ultimate intended use, it is well established that the mere recital of a different intended use in a claim does not distinguish the claim over a composition containing the same ingredients in the same proportions for a different purpose in the prior art. See *In re Zierden*, 162 USPQ 102 (CCPA 1969). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Torre, US 4,236,933.

Torre teaches pigment compositions comprising an ionic complex formed from a alkyltrimethylammonium chloride and copper phthalocyanine sulphonic acid (see abstract). With respect to the ultimate intended use, it is well established that the mere recital of a different intended use in a claim does not distinguish the claim over a composition containing the same ingredients in the same proportions for a different purpose in the prior art. See *In re Zierden*, 162 USPQ 102 (CCPA

1969). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kishimoto, US 5,424,041.

7. Kishimoto teaches deodorizing compounds, an example of which is the quaternary ammonium salt of a transition metal phthalocyanine (col. 4, lines 27-32). With respect to specific quaternary ammonium compounds, such compounds are well known in the art and do not add patentable weight to the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1311. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, appearing to read "Charles I Boyer".

Charles I Boyer
Primary Examiner
Art Unit 1751

cb